

Senate Bill 307

By: Senators Hill of the 32nd, Rogers of the 21st and Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to enact a bill of rights for Georgia teachers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by inserting in Subpart 2 of Part 6 of Article 6, relating to conditions of employment for the purposes of the "Quality Basic Education Act," a new Code section to read as follows:

"20-2-221.

Notwithstanding any other provision of law to the contrary, each certificated teacher serving in the public schools of Georgia shall have the following rights as a condition of employment:

(1) School board members and administrators shall respect the right of a teacher to exercise independent thought and to express constructive criticism in an appropriate and professional manner;

(2) If, in the professional judgment of a teacher, a student needs to be removed from the regular classroom environment because the student's misconduct is materially and substantially disrupting the learning processes of the other students, the administrator shall respect the teacher's professional judgment. At the minimum, the student shall not be returned to the classroom on that particular day. The administrator shall not undermine the teacher's authority in the classroom by questioning the teacher's account of what happened in front of one or more students;

(3) A teacher has a right to file a grievance about an evaluation if, in the opinion of the teacher, the evaluation was unfair, false, or retaliatory for the exercise of a right granted by this Code section;

(4) Each teacher shall be afforded the opportunity to participate in an annual evaluation of each administrator at his or her school. These evaluations shall be conducted in a way that assures each teacher complete confidentiality and anonymity. These evaluations shall be forwarded to the superintendent who in turn shall send copies of all the evaluations to each school board member;

(5) The teacher of the year at each school shall be nominated and selected solely by the anonymous votes of the teachers at the school;

(6) A teacher shall be permitted to have an individual of the teacher's choosing present in any disciplinary proceeding or conference; a teacher shall, except in extraordinary circumstances, be provided with reasonable advance notice of such proceeding or conference; and a teacher shall be allowed to record the conference or proceeding; and

(7) If a local board of education shall fail to hold a hearing and render a decision as required under Part 11 of Article 17 of this chapter within the required time frames, then the complaint shall be considered settled in favor of the complainant and the last requested relief shall be granted. The State School Superintendent shall enforce this paragraph upon appeal by the complainant within 60 working days of either the expiration of the maximum time allowed to the local board of education by law or written notice of refusal of the local board of education to hold a hearing for any reason. The State School Superintendent shall take all steps necessary including, without limitation, the withholding of state funds to the local board of education until such time as the local board of education fully and completely grants the relief awarded under this paragraph. In the event that the local board of education initially grants the relief as required in this paragraph and subsequently acts in a manner contrary to such relief, the State School Superintendent shall retain jurisdiction, responsibility, and authority to enforce the relief as specified in this paragraph. The time frames may only be extended by mutual agreement in writing by the parties. In the event that the school system is closed for a number of days due to weather or other emergency, the days in all timelines may be extended only in an equal or lesser number of days by written notification by either party within five days of the reopening of the school system."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.